



17 DEC 2004

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Quarles & Brady LLP
411 East Wisconsin Ave.
Milwaukee, WI 53202-4497

In re Application of SCHANKE
U.S. Application No.: 09/979,518
Int. Application No.: PCT/US00/13960
Int. Filing Date: 19 May 2000
Priority Date: 22 May 1999
Attorney Docket No.: 310307.90134
For: REVERSE TRANSCRIPTION ACTIVITY
FROM *BACILLUS STEAROTHERMOPHILUS*
DNA POLYMERASE IN THE PRESENCE
OF MAGNESIUM

DECISION

This is in response to applicant's "Petition Under Section 37 CFR 1.182 in Response to Defective Declaration Filed in Response to Notification of Defective Response Under Section 37 CFR 1.497(a) and (b)" filed 17 June 2003.

BACKGROUND

On 19 May 2000, applicant filed international application PCT/US00/13960, which claimed priority of an earlier United States application filed 22 May 1999. A Demand for international preliminary examination, in which the United States was elected, was filed on 30 November 2000, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 22 November 2001.

On 16 November 2001, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 11 January 2002, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that, *inter alia*, an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 10 April 2002, applicant filed a declaration executed by "Judith Meis".

On 07 May 2002, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916), which indicated that the declaration filed 10 April 2002 was improper.

On 05 June 2002, applicant filed a declaration executed by "Judith Meis".

On 27 March 2003, this Office mailed a communication which indicated a discrepancy with respect to the inventor's family name.

On 17 June 2003, applicant filed the present petition under 37 CFR 1.182.

DISCUSSION

The inventor's name in international application PCT/US00/13960 is listed as "Judith Schanke", whereas the inventor's name on the declaration is listed as "Judith Meis".

MPEP 605.04(c) states in relevant part,

In cases where an inventor's name has been changed after the application has been filed and the inventor desires to change his or her name on the application, he or she must submit a petition under 37 CFR 1.182. . . . The petition must include an appropriate petition fee and an affidavit signed with both names and setting forth the procedure whereby the change of name was effected, or a certified copy of the court order.


Applicant has filed a petition under 37 CFR 1.182 along with the required fee and an affidavit signed with both names and setting forth the procedure whereby the change of name was effected.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.182 is GRANTED.

The application has an International Filing Date of 19 May 2000 and a date under 35 U.S.C. 371(c) of 10 April 2002.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.


Bryan Tung
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459